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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,781	09/17/2003	Yohei Yamamoto	242920US2	2965
22850 7590 02/22/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HA, LEYNNA A	
			ART UNIT 2135	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/22/2007.

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Office Action Summary

Application No.

10/663,781

Applicant(s)

YAMAMOTO ET AL.

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-92 is pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 25-48 and 71-92 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 25 and 71 recites readable medium storing a program for causing a computer to execute a service offering. Although, claims 25 and 71 discloses a readable medium but claims a software (program) for causing a computer to execute instructions. Thus, claims 25 and 71 reads on a non-tangible medium that discloses functional descriptive material.

Claims 37 and 82 recites as service offering program for causing a computer to execute a service offering method. This claims clearly is non-statutory because the program is functional descriptive material and is not recited in conjunction with a physical structure.

All dependent claims are also rejected by virtue of their dependencies.

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MPEP:

I. FUNCTIONAL DESCRIPTIVE MATERIAL: "DATA STRUCTURES " REPRESENTING
DESCRIPTIVE MATERIAL PER SE OR COMPUTER PROGRAMS REPRESENTING
COMPUTER LISTINGS PER SE

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-92 are rejected under 35 U.S.C. 102(b) as being anticipated by Harada, et al. (US 5,721,583).

As per claims 1, 13, 25, and 37:

Harada discloses a service offering apparatus, method, program, and readable medium for offering services associated with objects, comprising:

authentication information acquisition request receiving means for receiving an acquisition request for requesting an acquisition (**col.23, lines 63-65 and col.27, line 5-10**) of authentication information (**col.24, lines 49-65 and col.25, lines 25-38**) used for establishing a session having a limited right (**col.26, line 55-59 and col.27, line 30-35**) with respect to said service offering apparatus and said objects; (**col.23, lines 52-60; An acquisition request broadly suggests the act of a request to acquire or to gain. Specification (pg.4 and 7) suggests an example for the term acquisition where contents of a document system can be acquired using a certificate (document ticket) for the right to access a document. Hence, the claimed acquisition request for requesting an acquisition of authentication information broadly suggests the act of a request to gain access to the authentication information that is used to access a respective service.**)

authentication information transmitting means for transmitting the authentication information; and (**col.24, lines 44-48 and col.27, lines 11-15**)

session start request receiving means for receiving a start request for requesting a start of the session (**col.5, lines 54-60 and col.11, lines 40-48**) containing the authentication information (**col.26, lines 25-40**) from a client

different from an end to which the authentication information is transmitted.

(col.27, lines 38-40 and col.28, lines 5-24)

As per claims 2, 14, 26, and 38: See col.24, lines 50-65; discussing the acquisition request of the authentication request contains a list of object identifiers for identifying said objects and a list of service identifiers for identifying services associated with said objects.

As per claims 3, 15, 27, and 39: See col.26, lines 15-32; discussing authentication information producing means for producing the authentication information in response to the acquisition request of the authentication information.

As per claims 4, 16, 28, and 40: See col.28, lines 15-24; discussing authentication information managing means for managing the authentication information.

As per claims 5, 17, 29, and 41: See col.24, lines 50-65; discussing authentication information managing means manages the authentication information by relating with the list of the object identifiers for identifying said objects and the list of the service identifiers for identifying the services associated with said objects.

As per claims 6, 18, 30, and 42: See col.27, lines 38-65; discussing session producing means for producing the session in response to the start request of the session.

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As per claims 7, 19, 31, and 43: See col.28, lines 15-24; discussing session managing means for managing the session.

As per claims 8, 20, 32, and 44: See col.28, lines 15-24; discussing said session managing means manages the session by relating with the authentication information.

As per claims 9, 21, 33, and 45: See col.27, lines 11-15; discussing session identifier transmitting means for transmitting a session identifier for identifying the session to said client.

As per claims 10, 22, 34, and 46: See col.26, line 55-59 and col.27, line 30-35; discussing use request receiving means for receiving a use request for requesting a use of a service associated with said objects from said client, the use request including a session identifier for identifying the session.

As per claims 11, 23, 35, and 47: See col.26, line 45-62 and col.27, line 30-35; discussing service offering means for offering a service associated with said objects in response to a use request for requesting a use of a service associated with said objects from said client, the use request including a session identifier for identifying the session.

As per claims 12, 24, 36, and 48: See col.27, line 28-35 and col.28, lines 15-24; discussing the service associated with said objects which is offered in the session is designated.

As per claims 49, 60, 71, and 82:

Harada discloses a service offering apparatus, method, program for offering services associated with objects, comprising:

session start request receiving means (**col.23, lines 63-65 and col.27, line 5-10**) for receiving a start request (**col.26, lines 25-40 and col.27, lines 38-65**) for requesting a start of a session with the service offering apparatus; (**col.23, lines 52-60; An acquisition request broadly suggests the act of a request to acquire or to gain. Specification (pg.4 and 7) suggests an example for the term acquisition where contents of a document system can be acquired using a certificate (document ticket) for the right to access a document. Hence, the claimed acquisition request for requesting an acquisition of authentication information broadly suggests the act of a request to gain access to the authentication information that is used to access a respective service.**)

session identifier transmitting means for transmitting a session identifier for identifying the session; and (**col.24, lines 44-48 and col.27, lines 11-15**)

use request receiving means for receiving a use request for requesting a use of a service (**col.5, lines 54-60 and col.11, lines 40-48**) associated with said objects from a client different from an end to which the session identifier is transmitted, the use request including information (**col.26, line 55-59 and col.27, line 30-35**) regarding the session identifier. (**col.27, lines 38-40 and col.28, lines 5-24**)

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As per claims 50, 61, 74, and 83: See col.26, line 55-59 and col.27, line 30-35; discussing session producing means for producing the session in response to the start request of the session.

As per claims 51, 62, 73, and 84: See col.28, lines 15-24; discussing session managing means for managing the session.

As per claims 52, 63, 74, and 85: See col.27, lines 11-15 and col.28, lines 10-24; discussing service offering means for offering the service associated with said objects in response to use request of the service associated with said objects, the use request containing the information regarding the session identifier.

As per claims 53, 64, 75 and 86: See col.27, lines 11-15 and col.28, lines 10-24; discussing the information regarding the session identifier includes the session identifier and an object identifier for identifying said objects.

As per claims 54, 65, 76, and 87: See col.27, lines 11-15 and col.28, lines 10-24; discussing the information regarding the session identifier includes the session identifier and a service identifier for identifying a service associated with said objects.

As per claims 55, 66, 77, and 88: See col.25, lines 25-35; discussing the information regarding the session identifier is encrypted by a public key.

As per claims 56, 67, 78, and 89: See col.25, lines 25-35; discussing public key providing means for providing a public key in response to an acquisition request for requesting an acquisition of the public key.

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As per claims 57, 68, 79, and 90: See col.25, lines 25-35; discussing information regarding the session identifier is encrypted by a common key common to the service offering apparatus.

As per claims 58, 69, 80, and 91: See col., lines ; discussing session identifier processing means for processing the session identifier.

As per claims 59, 70, 81, and 92: See col., lines ; discussing encrypting means for encrypting the session identifier processed by said session identifier processing means.

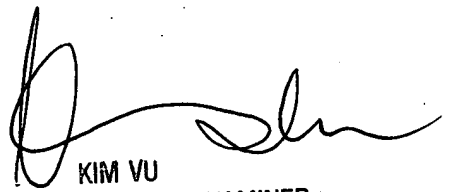
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LHa



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